



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

PRUCHE, F. et al.

Atty. Ref.: 2365-35

Serial No. 10/069,460

Group: 1616

Filed: June 11, 2002

Examiner: LAMM

For: PROCESS AND DEVICES FOR TREATING, ESPECIALLY
FOR MAKING UP, FOR COLORING OR FOR THE
COSMETIC CARE OF SOME OR ALL OF THE HUMAN
OR ANIMAL BODY

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 18, 2004

Sir:

INFORMATION DISCLOSURE STATEMENT

- ☒ 1. **PTO-1449 Pursuant to 37 CFR 1.97(b)**
[within 3 months of filing or prior to 1st Office Action on the merits]
N/C
- ☐ 2.(a) **Statement Pursuant to 37 CFR 1.97(c)**
[before Final Office Action or Allowance (requires Rule 97(e)
Statement or Rule 17(p) fee)]
N/C
- ☐ 2.(b) **Fee Payment Pursuant to 37 CFR 1.97(c)**
[before Final Office Action or Allowance (requires Rule 97(e)
Statement or Rule 17(p) fee)]
\$180.00
- ☐ 3. **Pursuant to 37 CFR 1.97(d)**
[after Final Office Action or Allowance (requires Rule 97(e)
Statement and Rule 17(p) fee), but before final fee payment]
\$180.00

The following are submitted in the above-identified application in compliance with
37 C.F.R. §§ 1.97 and 1.98:

- ☒ 4. A list of documents on Form PTO-1449 together with copies of each identified document. The cited documents were cited in an Office Action from the EPO dated March 26, 2004 in a related application. The cited JP document has been considered in so far as a Derwent publication was previously cited in the International Search Report. See, PTO 1449 Form signed by the Examiner on 7/12/03. An English translation of the cited Japanese patent is attached. The cited German language "Kosmetic" document was cited in the same EPO Office Action as document D4 with the following comments from the EPO Examiner as to the alleged relevance of the document (translation provided by the assignee's overseas agent): "Moreover, as shown in the document D4 introduced by the Examining Division that is an extract of the general handbook Kosmetic, the composition of the type nail varnish that could be used in the state of the art D1-D3 [i.e., U.S. Patent No. 5,931,166, DE 195 26 650 and JP 11056452, respectively], the hair colouring compositions, the self tanning compositions, the bleaching composition generally comprise more than 10% solvents by weight."

This paper is submitted in accordance with:

- ☒ 5. 37 CFR 1.97(b): [within 3 months of filing or prior to 1st Office Action]
- ☐ 6. 37 CFR 1.97(c): [before Final Office Action or Allowance, whichever is earlier]; and
- ☐ a) The required Statement made in item 8 below; or
- ☐ b) The \$180.00 fee specified in 37 CFR §1.17(p) for submission of this Information Disclosure Statement is authorized in item 9 below.
- ☐ 7. 37 CFR §1.97(d): [after Final Office Action or Allowance (requires Rule 97(e) Statement and Rule 17(p) fee), but before final fee payment]; and
- ☐ a) The fee (\$180.00) required by 37 CFR §1.17(p) is submitted herewith; and
- ☐ b) The required Statement is stated in item 8 below.
- ☐ 8. Statement under 37 CFR 1.97(e)
- ☐ a) The undersigned attorney of record hereby certifies under 37 C.F.R. §1.97(e) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement (each

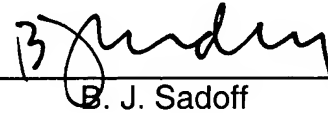
item contained in this IDS was the first citation of that item by a foreign patent office in a counterpart foreign application which occurred no more than three months prior to the filing of this IDS); or

- ☐ b) No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement, after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

- ☒ 9. Please charge all deficiency fees associated with the submission of this Information Disclosure Statement and any other fees applicable to this application to Deposit Account No. 14-1140. An original and one (1) copy of this document are enclosed.

Respectfully submitted,
NIXON & VANDERHYE P.C.

By: _____


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